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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,328	08/28/2003	Hiroshi Kaburagi	CFA00001US	6858

7590 01/12/2005
Canon U.S.A. Inc.
Intellectual Property Department
15975 Alton Parkway
Irvine, CA 92618-3731

EXAMINER

NGUYEN, ANTHONY H

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/650,328

Applicant(s)

KABURAGI ET AL.

Examiner

Anthony H Nguyen

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,6-7 and 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchida et al. (US 5,640,253).

With respect to claims 1, 10 and 15, Uchida et al. teaches an image output method or a computer executable program and an image processing apparatus having an input unit 101 for inputting image information, a generating unit 207 which includes circuits 301-303 for generating output limitation information corresponding the image information, a storing unit 103 for storing the image information, a reading unit for reading a document 104 for reading a document which contains the output limitation information, and an output unit 107 for outputting the image information as shown in Fig.1 (see col.5 line 50 - col.6 line 57). With respect to claims 6 and 7, Uchida et al. teaches the output limitation information which includes output allowance as shown in Figs.10A-10C.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5,8,14 and 18 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Uchida et al. (US 5,640,253) in view of Matsunoshita (US 6,512,915).

With respect to claim 5, Uchida et al. teaches all that is claimed, except the connector arranged to connect the image processing apparatus to a network. Matsunoshita teaches the outputting method and apparatus which includes a connector 14 that connects to a network 10 as shown in Fig.1. In view of the teaching of Matsunoshita, it would have been obvious to one of ordinary skill in the art to modify the method and apparatus of Uchida et al. by providing the connector as taught by Matsunoshita to improve the efficiency of transferring images from a data base or a serve to a communication network. With respect to claims 8, 14 and 18, the use of image information from an external source for inputting to the input unit of an image precessing apparatus is well known in the art. For example, see Uchida et al. col.7 lines 27-30, col.8 lines 3-7 and Matsunoshita, col.5 the third paragraph.

Response to Arguments

Applicants' arguments filed on October 21, 2004 have been fully considered but they are not persuasive of any error in the above rejection.

Applicant argues that Uchida et al. does not teach the reading unit for reading a document that "contains output limitation information".

However, Uchida et al. teaches clearly the reading unit 101 for reading a document as shown in Fig.1. The reading unit converts a color image on the document into an electrical signal which is discriminated by a discrimination circuit (Uchida et al., col.2 lines 51-54) so that

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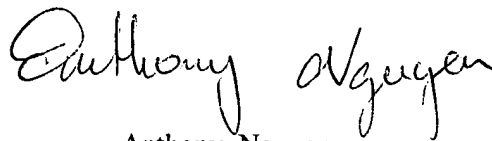
the color image can be generated. Uchida et al. meet the broad steps and the computer executable program as recited in claims 10 and 15. Also, the combination of Uchida et al. and Matsunoshita renders obvious the structure and method as recited in claims 5, 8, 14 and 18.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168. The fax phone number for this Group is (703) 872-9306.



Anthony Nguyen
1/7/05
Patent Examiner
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